

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

SONY BMG CD  
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**DECLARATION OF MICHAEL L. KELLY IN SUPPORT OF  
PLAINTIFFS' CLASS COUNSELS' APPLICATION FOR ATTORNEYS'  
FEES AND REIMBURSEMENT OF EXPENSES**

1 I, Michael L. Kelly, declare and state as follows:

2 1. I am an attorney in good standing, duly licensed and admitted to the California  
3 State Bar, 1978; California Supreme Court, 1978; Colorado State Bar, 1987; United States  
4 Supreme Court, 1987; U.S. District Court, Central District of California, 1979; U.S. District Court,  
5 Northern District of California, 1981; U.S. District Court, Eastern District of California, 1980; and  
6 the U.S. Trust Territory of the Pacific Islands, 1987. I am a Senior Partner of Kirtland & Packard  
7 LLP, counsel of record for Plaintiff John Maletta in John Maletta v. Sony BMG Music  
8 Entertainment Corp. et. al., 05-CV-10637. A true and correct copy of the firm resume and a  
9 representative list of comparable litigation is attached hereto as Exhibit "A" and incorporated by  
10 reference herein.

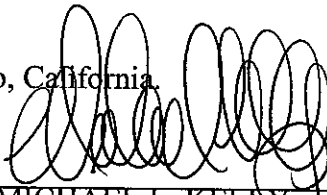
11 2. I submit this declaration in support of Plaintiffs' Class Counsels' application for  
12 attorneys' fees and reimbursement of expenses in the above-entitled matter. The testimony set  
13 forth in this declaration is based on first-hand knowledge, about which I would and could testify  
14 competently in open court if called upon to do so, and on contemporaneously-generated records  
15 kept in the ordinary course of business.

16 3. The total number of professional hours expended in the litigation by Kirtland &  
17 Packard, LLP is 156.30. The total lodestar amount for attorney, paralegal and professional staff  
18 time expended by Kirtland & Packard, LLP in the course of the litigation, based upon current  
19 rates, is \$68,593.50. The chart attached hereto as Exhibit "B" was prepared at my discretion and  
20 presents a summary of the time spent from November 5, 2005 through March 20, 2006 by  
21 attorneys, paralegals, and professional staff of the firm on the litigation. The chart includes the  
22 name of each attorney, paralegal, and professional staff member who has worked on the case, his  
23 or her current hourly billing rate, and the number of hours expended by each professional on this  
24 matter. The time reflected in this declaration was time actually spent, in the exercise of reasonable  
25 judgment, by the lawyers and staff involved. The attorneys and legal professionals identified in  
26 Exhibit "B" spent time on matters that were essential to the prosecution and resolution of the  
27 litigation, including relevant research, preparation of court documents, and related correspondence.  
28 My firm was careful not to expend unnecessary hours and not to duplicate work done by others.

1           4.       This firm expended a total of \$2,421.29 in unreimbursed expenses in connection  
2 with prosecution of the litigation on behalf of John Maletta. The expenses incurred in this case are  
3 reflected in the books and records of the firm. These books and records are prepared from expense  
4 vouchers, check records, and other contemporaneously-recorded billing records, are an accurate  
5 record of expenses incurred in this litigation. The chart attached hereto as Exhibit "C", also  
6 prepared at my direction, details these expenses.

7           I declare under penalty of perjury under the laws of the United States of America and the  
8 State of New York that the foregoing is true and correct

9           Executed this 24<sup>th</sup> day of March, 2006, at El Segundo, California.

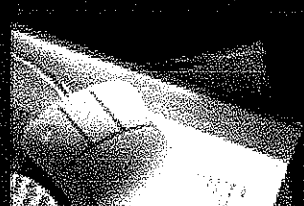
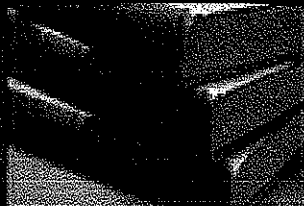
10  
11   
12 MICHAEL L. KELLY

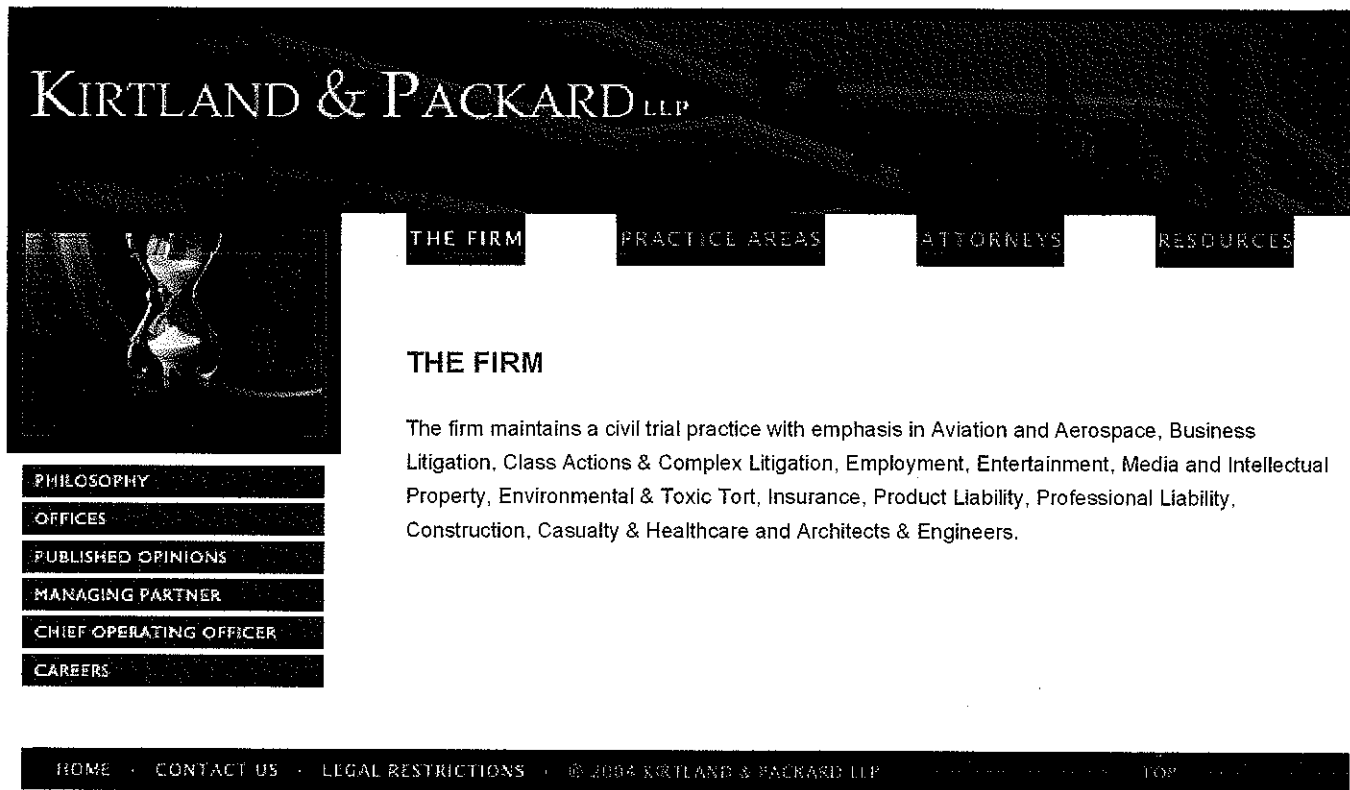
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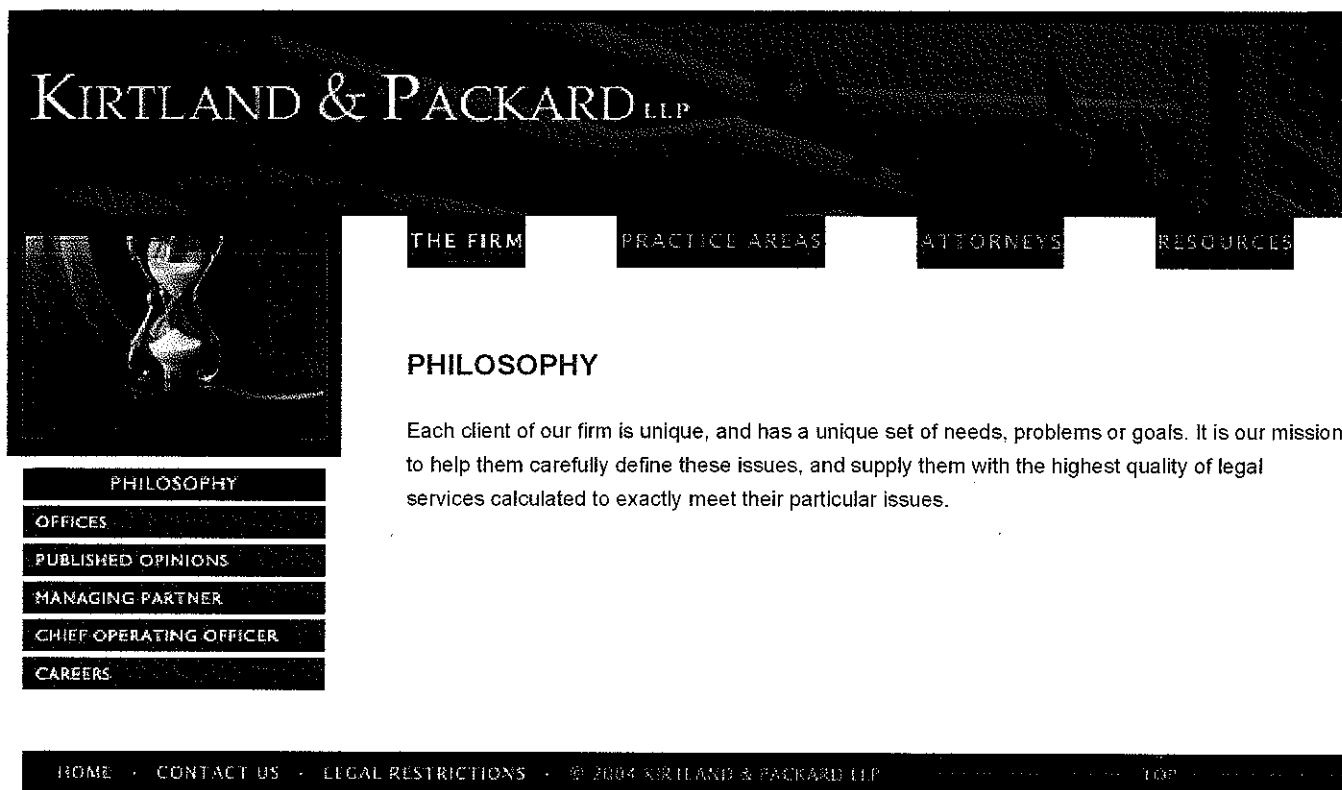
**EXHIBIT A**

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Telephone/General Inquiries: 310.536.1000  
Facsimile: 310.536.1001

### San Francisco Office



One Embarcadero Center  
Suite 500  
San Francisco, California 94111-4121

Telephone/General Inquiries: 415.315.1670  
Facsimile: 415.433.5994

### New York Office




245 Park Avenue  
Twenty-fourth Floor  
New York, NY 10167

Telephone/General Inquiries: 212.792.4160  
Facsimile: 212.792.4001

### Online Inquiries

Send correspondence to: [info@KirtlandPackard.com](mailto:info@KirtlandPackard.com)





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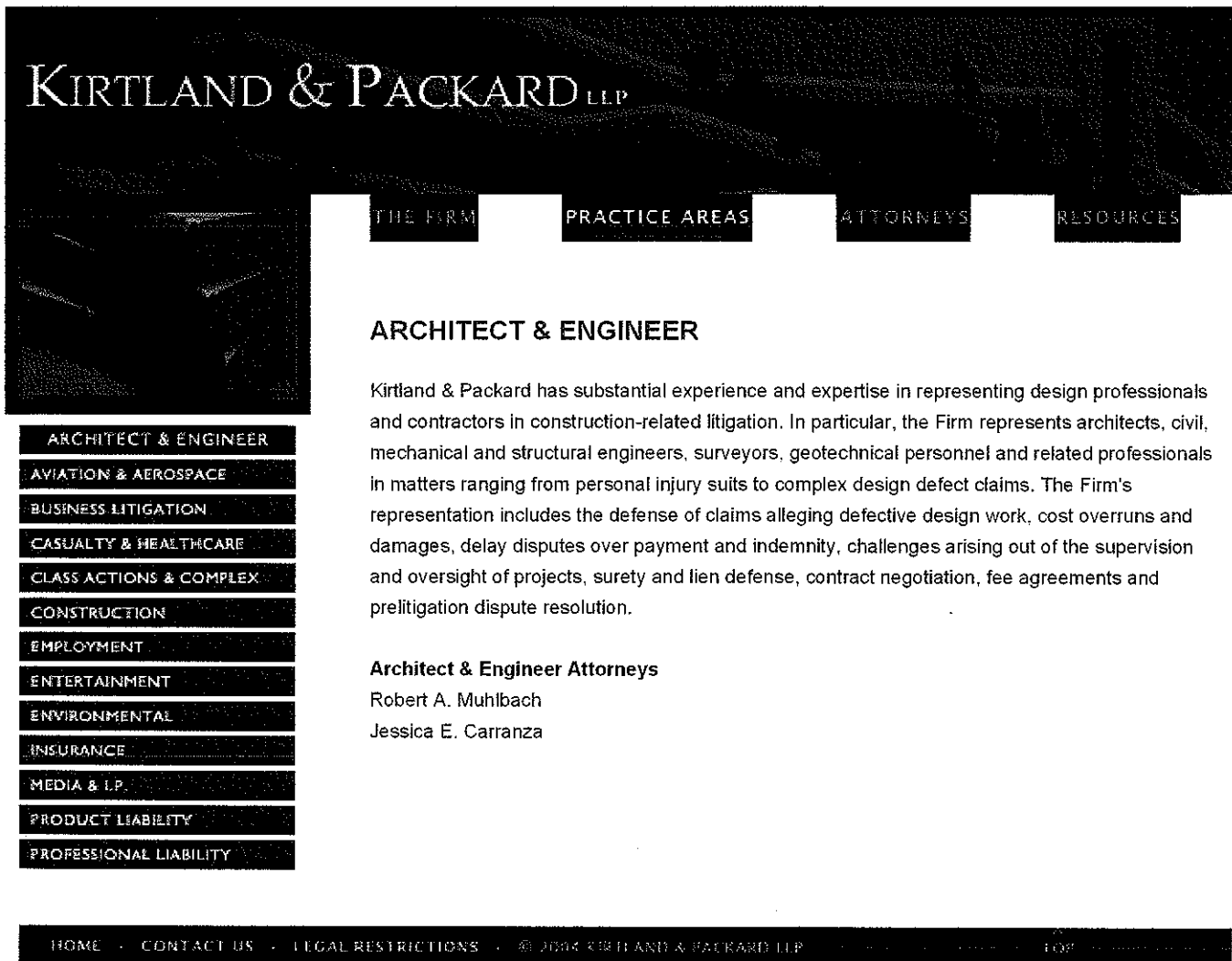
**PRACTICE AREAS**

Kirtland & Packard maintains a general civil practice with emphasis on litigation in select areas. The diverse skills and capabilities of the attorneys of the firm allow it to serve client's horizontal and vertical needs in these areas, including general advisory, risk management, pre-litigation, litigation, and appellate services.

**Click on any practice area to learn more about the firm's services in that area.**

ARCHITECT & ENGINEER	Architect & Engineer
AVIATION & AEROSPACE	Aviation & Aerospace
BUSINESS LITIGATION	Class Actions & Complex Litigation
CASUALTY & HEALTHCARE	Construction
CLASS ACTIONS & COMPLEX	Employment
CONSTRUCTION	Entertainment
EMPLOYMENT	Environmental
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## AVIATION & AEROSPACE

The firm's aviation and aerospace practice includes all aspects of the field of aviation. Kirtland & Packard represents general and commercial airframe manufacturers, aircraft engine manufacturers, major commercial airports, fixed-base operators, overhaul, maintenance and repair facilities, private pilots and agricultural operations. The firm also has extensive experience in representing its aviation clients before the Federal Aviation Administration and various federal and state regulatory agencies.

The attorneys in this section are broadly experienced in trial work, and many of them have extensive flying backgrounds as well as university degrees in engineering disciplines.

### Aviation & Aerospace Attorneys

Jacques E. Solret

Michael L. Kelly


Scott M. Schutz

Robert M. Churella

Robert A. Muhlbach

Robert K. Friedl

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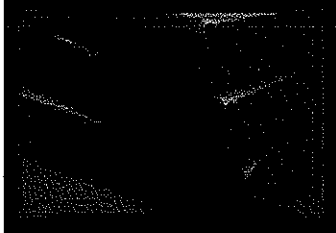

Kirtland & Packard has been very active in general business litigation throughout the Firm's history. Attorneys of the Firm have experience and expertise in matters including contractual disputes, unfair business practices, corporate and partnership dissolution, entertainment and entertainment management disputes and disputes arising from non-competition agreements. The scope of litigation handled by the Firm is as broad and diverse as the business needs of its clients.

**Business Litigation Attorneys**

Michael L. Kelly  
Scott M. Schutz  
Steven M. Maslauski  
Robert K. Friedl

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## CASUALTY & HEALTHCARE

The firm has successfully handled all aspects of casualty and health related claims for over four decades, including both trial and appellate levels. These claims include the defense of medical malpractice claims against physicians, medical clinics and hospitals as well as dental malpractice claims. Such representation has included handling both California Board of Medical Quality Assurance hearings and California Dental Board hearings.

### Casualty & Healthcare Attorneys

Steven M. Maslauski  
James T. La Chance  
Holly M. Brett

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## CLASS ACTIONS

Kirtland & Packard LLP is one of the foremost class action and complex litigation firms in the United States. The firm maintains offices in Los Angeles, San Francisco and New York, and handles class actions involving consumer protection, insurance, breaches of financial and fiduciary obligations, toxic torts, pharmaceuticals, 401(k) losses, and wage and hour claims. The firm strives to use the class action frame work to create a real, tangible and valuable benefit for the class members that it represents. Individuals who make the important commitment to serve as a class representative become an important part of the firms class action claim. They are kept closely informed and involved in the litigation, and participate closely in settlement negotiations if and when they are undertaken.

Kirtland & Packard LLP welcomes inquiries from attorneys or individuals who believe that they have a claim that might be suitable for class action treatment.

Click on any of the topics to report a potential claim in that area.

[Medtronic Defibrillators](#)

[Guidant Defibrillators](#)

[Consumer Products](#)

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For questions about any of our ongoing investigations or existing class action cases, or to inquire about your own claim, please send email to [ClassActionInfo@KirtlandPackard.com](mailto:ClassActionInfo@KirtlandPackard.com).

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## CLASS ACTIONS & COMPLEX LITIGATION

Kirtland & Packard maintains an active and diverse business litigation practice in which it represents litigants in high stakes matters involving insurance and business issues, consumer and commercial products, and various other types of claims. This firm's accomplishments in this arena are substantial and a sample of significant cases may be viewed in the "Published and Unpublished Opinions" section of this site.

### Class Actions & Complex Litigation Attorneys

Michael L. Kelly  
Robert A. Muhlbach  
Robert M. Churella  
Robert K. Friedl  
Kavita Tekchandani  
Jessica E. Carranza

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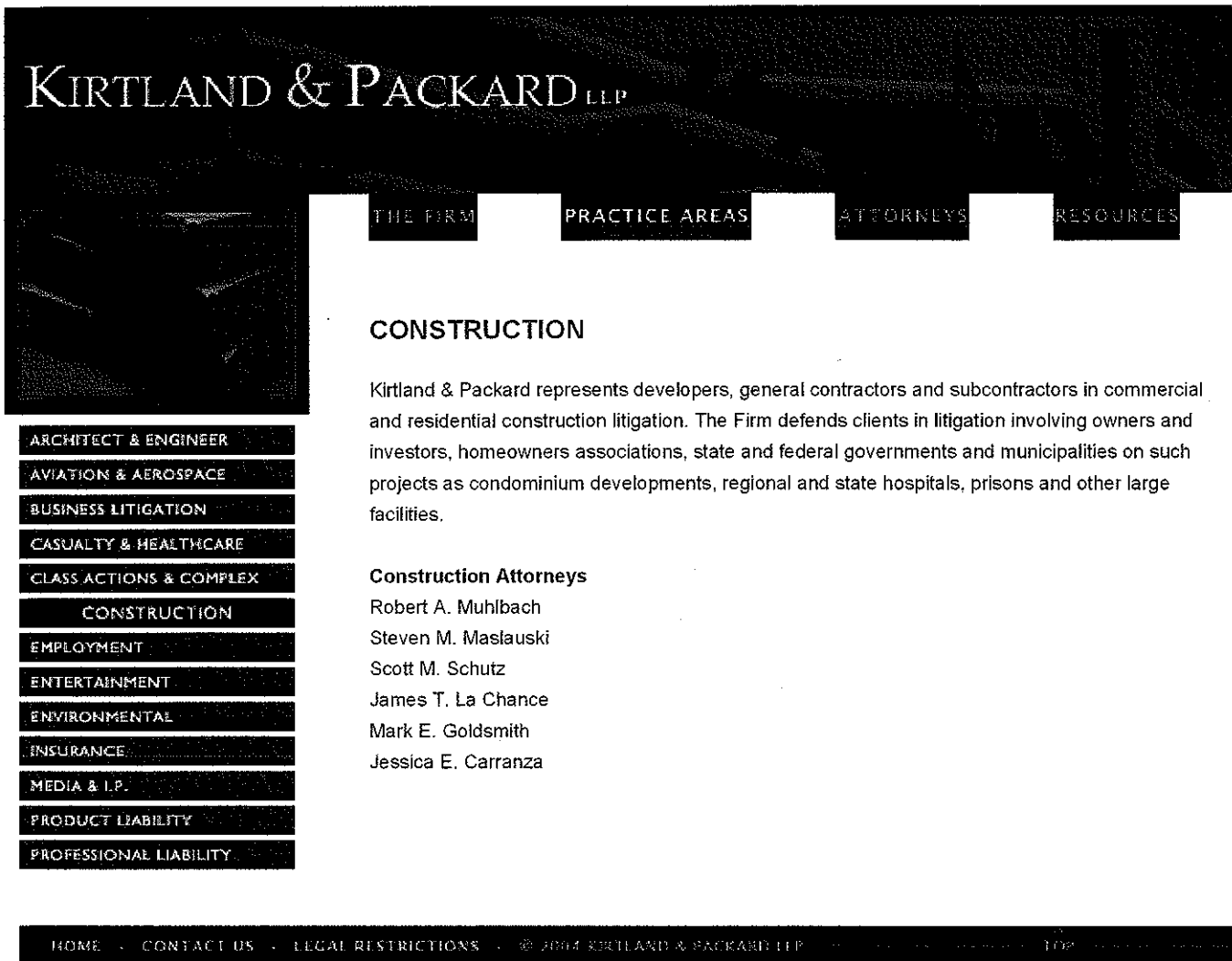
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**CONSTRUCTION**

Kirtland & Packard represents developers, general contractors and subcontractors in commercial and residential construction litigation. The Firm defends clients in litigation involving owners and investors, homeowners associations, state and federal governments and municipalities on such projects as condominium developments, regional and state hospitals, prisons and other large facilities.

**Construction Attorneys**

Robert A. Muhlbach  
Steven M. Maslauski  
Scott M. Schutz  
James T. La Chance  
Mark E. Goldsmith  
Jessica E. Carranza

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## EMPLOYMENT

Kirtland & Packard represents business management in every aspect of employment and labor law before courts and administrative agencies at the federal, state and local levels. We have successfully defended employers against claims of wrongful termination, emotional distress, sexual harassment, hostile work environment, age, race and sex discrimination. Clients receive expert assistance in matters including review and preparation of personnel policies and employment practices and personnel procedures, workplace safety training and litigation (often arising from claims of wrongful termination or employment discrimination).

### Employment Attorneys

Mark E. Goldsmith  
Steven M. Maslauski  
Holly M. Brett  
Robert K. Friedl  
Kavita Tekchandani

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## ENTERTAINMENT, MEDIA & INTELLECTUAL PROPERTY

With the globalization of the marketplace and the rapid growth of the Internet, every business faces demands to protect its technologies, trademarks, copyrights, patents and trade secrets both here and abroad. Kirtland & Packard has represented a broad base of clients confronting issues involving the protection and enforcement of intellectual property rights and all aspects of media and entertainment law.

In litigation, the Firm assists clients with matters involving breach of contract, copyright and trademark infringement, unfair competition, antitrust violation, trade secret misappropriation, artist/management disputes, defamation and personal injury claims involving concerts and movie sets. Our attorneys appear not only in state and federal court but also in SAG and AFTRA sponsored arbitrations. The firm's diverse client base includes film, video and music production companies, newspaper and publishing companies as well as artists in music, television, movie, animation, multimedia and computer graphics and other entertainment areas. Kirtland & Packard also represents radio stations and entertainment venues, including sports stadiums and arenas.

### Entertainment, Media & Intellectual Property Attorneys

Michael L. Kelly  
James T. La Chance  
Robert M. Churella  
Kavita Tekchandani  
Jessica E. Carranza

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## ENVIRONMENTAL & TOXIC TORT

The last twenty-five years has seen a literal explosion of litigation in the areas of environmental and toxic tort law. Kirtland & Packard has been actively involved in all aspects of CERCLA claims and Insurance Coverage disputes pertaining to Environmental Cleanup and Toxic Torts. The firm has represented major manufacturers of asbestos products and other chemicals in personal injury claims.

Kirtland & Packard attorneys were lead counsel for several major insurers in the coordinated Asbestos litigation which was pending in the San Francisco County Superior Court throughout the 1980's. The firm also represented multiple defendants in the massive Stringfellow acid pits litigation in both the consolidated personal injury action involving over 5000 claimants and the federal court action wherein the United States and the State of California were seeking compensation for the actual cleanup of the Stringfellow site.

Attorneys from the firm have been involved in multiple fuel contamination claims. These claims have involved both below ground gasoline station storage tanks and large, above ground, fuel refinery storage facilities. The firm represented a major insurer in a claim arising out of alleged damage to a large refinery storage tank that took place during renovation work. The fuel leak and resulting underground plume impacted the aquifer of a local municipality. Resolution of the case required not only extensive knowledge of insurance coverage issues, but sophisticated approaches to liability analysis and regulatory compliance.

In underground storage tank litigation, the firm has not only been involved in related insurance coverage disputes, but also complicated liability claims involving multiple plumes from various alleged tank leaks impacting both private and municipal property. Resolution of such claims requires experience in insurance law, regulatory requirements and technical expertise in cleanup and damage analysis, including appropriate cleanup protocols and procedures.

The firm's attorneys have been retained by major corporations to perform analysis and research regarding environmental regulatory compliance with regard to companies under consideration for acquisition. Such endeavors have required the firm's lawyers to not only carefully review all applicable regulations, but to thoroughly investigate legal compliance and insurance coverage.

### Environmental & Toxic Tort Attorneys

Robert A. Muhlbach

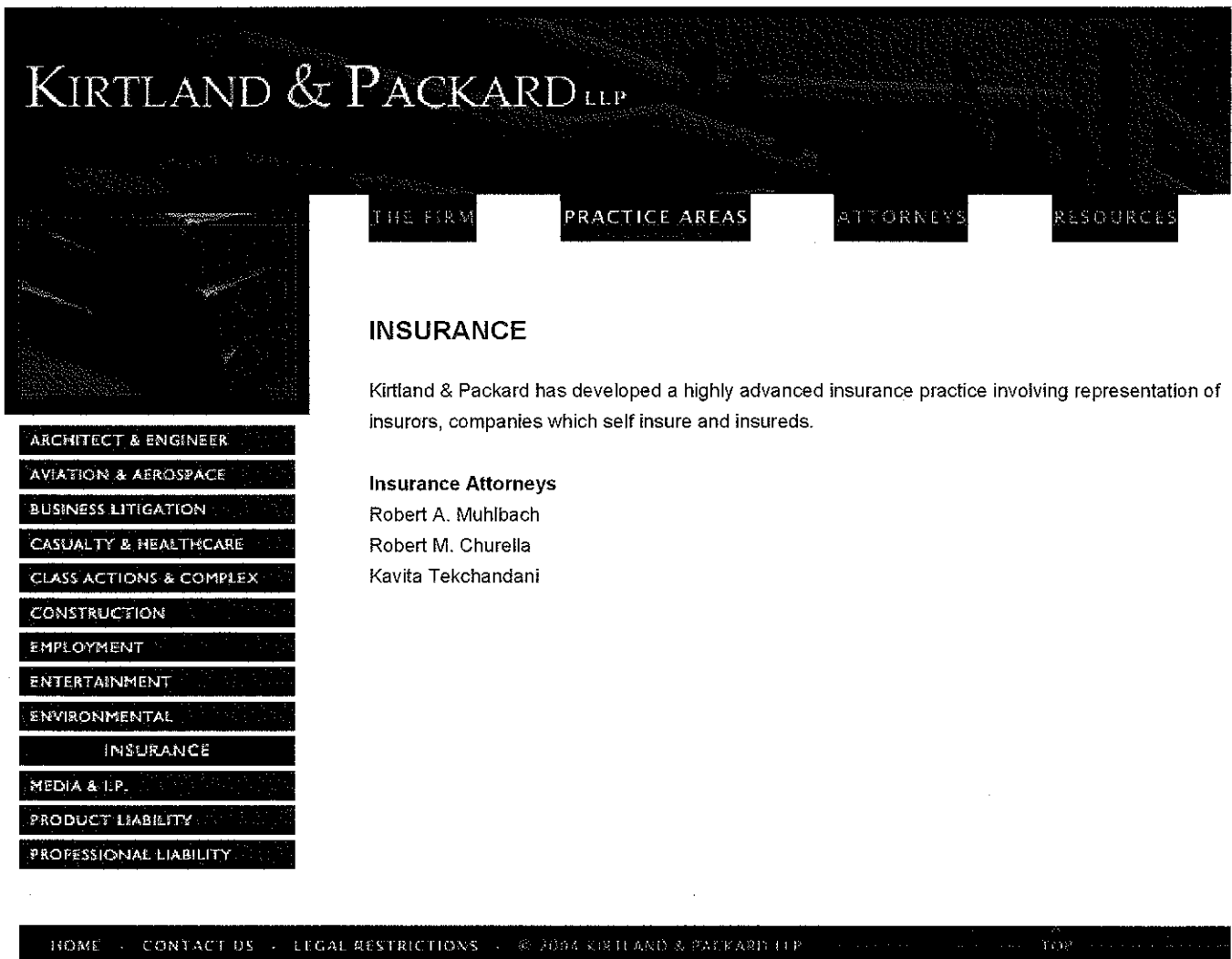
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Jacques E. Soiret

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**INSURANCE**

Kirtland & Packard has developed a highly advanced insurance practice involving representation of insurers, companies which self insure and insureds.

**Insurance Attorneys**

Robert A. Muhlbach  
Robert M. Churella  
Kavita Tekchandani

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## PRODUCT LIABILITY

The Firm's product liability practice is extensive and varied. Clients include not only aerospace companies, but a variety of vehicle and component manufacturers of wheels and tires, heavy-duty trailers, automobiles, motorcycles, aluminum products, power tools and aircraft components.

### Product Liability Attorneys

Michael L. Kelly

Scott M. Schutz

Robert A. Muhlbach

Jacques E. Soiret

Steven M. Maslauski

James T. La Chance

Jessica E. Carranza

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## PROFESSIONAL LIABILITY

The Firm represents professionals in such distinct fields as law, business (directors and officers), real estate, medicine, dentistry (general, prosthodontics, endodontics, periodontics and oral surgery), insurance, engineering and finance. The Firm's vast experience in many technical fields has proven to be invaluable to its broad range of professional clients.

### Professional Liability Attorneys

Robert A. Muhlbach

Scott M. Schutz

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## ATTORNEYS

The attorneys of Kirtland & Packard are proud of their diverse skills and accomplishments.

Partners of the firm had been recognized and selected for membership in many prestigious legal organizations, including the American College of Trial Lawyers, The International Academy of Trial Lawyers and the American Board of Trial Advocates.

**Click on any name to learn more about that particular attorney's accomplishments.**

[AMY B. BENAKOTE, LC](#)[HOLLY M. BRETT](#)[JESSICA E. CARRANZA](#)[ROBERT M. CHURELLA](#)[ROBERT K. FRIEDL](#)[MARK E. GOLDSMITH](#)[MICHAEL L. KELLY](#)[JAMES T. LA CHANCE](#)[STEVEN M. MASLAUSKI](#)[ROBERT A. MUHLBACH](#)[GOLNAZ PAK, LC](#)[SCOTT M. SCHUTZ](#)[JACQUES E. SOIRET, OC](#)[KAVITA TEKCHANDANI](#)[Amy B. Benakote LC](#)[Holly M. Brett](#)[Jessica E. Carranza](#)[Robert M. Churella](#)[Robert K. Friedl](#)[Mark E. Goldsmith](#)[Michael L. Kelly](#)[James T. La Chance](#)[Steven M. Maslauski](#)[Robert A. Muhlbach](#)[Golnaz Pak LC](#)[Scott M. Schutz](#)[Jacques E. Soiret](#)[Kavita Tekchandani](#)

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## AMY B. BENAKOTE, LAW CLERK

Los Angeles, California, June 30, 1977

**Education:** University of California, Santa Barbara (B.A. in English Literature, 2000); Whittier Law School (Candidate for J.D. in 2006)

**Member:** American Bar Association; Orange County Bar Association; International Association of Jewish Lawyers and Jurists

[abb@KirtlandPackard.com](mailto:abb@KirtlandPackard.com)

AMY B. BENAKOTE, LC

HOLLY M. BRETT

JESSICA E. CARRANZA

ROBERT M. CHURELLA

ROBERT K. FRIEDL

MARK E. GOLDSMITH

MICHAEL L. KELLY

JAMES T. LA CHANCE

STEVEN M. MASLAUSKI

ROBERT A. MUHLBACH

GOLNAZ PAK, LC

SCOTT M. SCHUTZ

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## HOLLY M. BRETT

Born in Long Beach, California, July 31, 1973; Admitted to bar, 2000, California.

**Education:** San Diego State University (Bachelor of Arts, Political Science, 1996); University of San Diego School of Law (J.D., 2000).

**Member:** State Bar of California.

[hmb@KirtlandPackard.com](mailto:hmb@KirtlandPackard.com)

### Practice Areas

Casualty & Healthcare

Employment

Professional Liability

[AMY B. BENAKOTE, LC](#)[HOLLY M. BRETT](#)[JESSICA E. CARRANZA](#)[ROBERT M. CHURELLA](#)[ROBERT K. FRIEDL](#)[MARK E. GOLDSMITH](#)[MICHAEL L. KELLY](#)[JAMES T. LA CHANCE](#)[STEVEN M. MASLAUSKI](#)[ROBERT A. MUHLBACH](#)[GOLNAZ PAK, LC](#)[SCOTT M. SCHUTZ](#)[JACQUES E. SOIREY OC](#)[KAVITA TEKCHANDANI](#)[HOME](#) - [CONTACT US](#) - [LEGAL RESTRICTIONS](#) - © 2004 KIRTLAND & PACKARD LLP[TOP](#)

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## JESSICA E. CARRANZA

**Personal:** Born in Santa Ana, El Salvador, March 3, 1978

### Education:

Florida International University (B.A., Political Science, cum laude, 2000)  
Loyola Law School (J.D., 2003)

### Admissions:

Admitted to State Bar of California, 2004  
Admitted to United States District Court

### Memberships:

Member, State Bar of California  
Member, American Bar Association  
Member, Los Angeles County Bar Association  
Member, Hispanic National Bar Association  
Member, Beverly Hills Bar Association

### Languages:

Spanish

[jec@KirtlandPackard.com](mailto:jec@KirtlandPackard.com)

### Practice Areas

Architect & Engineer  
Class Actions & Complex Litigation  
Construction  
Entertainment  
Environmental  
Product Liability  
Professional Liability

AMY B. BENAKOTE, LC

HOLLY M. BRETT

JESSICA E. CARRANZA

ROBERT M. CHURELLA

ROBERT K. FRIEDL

MARK E. GOLDSMITH

MICHAEL L. KELLY

JAMES T. LA CHANCE

STEVEN M. MASLAUSKI

ROBERT A. MUHLBACH

GOLNAZ PAK, LC

SCOTT M. SCHUTZ

JACQUES E. SOIRET OC

KAVITA TEKCHANDANI

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## ROBERT M. CHURELLA

Born Baltimore, Maryland, May 23, 1949; admitted to bar, 1977, California; 1983, U.S. Supreme Court.

**Education:** Massachusetts Institute of Technology (B.S., Aeronautics and Astronautics, 1972; M.S., Aeronautics and Astronautics, 1973); University of Southern California (J.D., 1976). Member, Southern California Law Review, 1974-1976.

**Author:** "Claims by Aircraft Owners and Operators Against Manufacturers" and "Recent Developments Under the Warsaw Convention" (with Jacques E. Soiret), International Aviation Air Law Symposium, Marco Island, Florida, 1983 (reprinted by Lloyds of London Law Press).

**Member:** State Bar of California (Member, Section on Litigation); Los Angeles County Bar Association; American Bar Association (Member, Section on Tort and Insurance Practice; Member, Section on Litigation; Member, Forum Committee on Air and Space Law); Association of Business Trial Lawyers; American Association for the Advancement of Science; American Institute of Aeronautics and Astronautics; Society of Automotive Engineers.

[rmc@KirtlandPackard.com](mailto:rmc@KirtlandPackard.com)

### Practice Areas

Aviation & Aerospace  
Class Actions & Complex Litigation  
Entertainment  
Insurance

AMY B. BENAKOTE, LC

HOLLY M. BRETT

JESSICA E. CARRANZA

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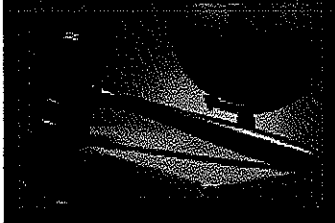
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## ROBERT K. FRIEDL

Born Brooklyn, New York, July 31, 1962; admitted to bar, 1988, California and U.S. District Court, Southern and Central Districts of California.

**Education:** University of Connecticut (Bachelor of Arts, Economics, 1984); Southwestern University School of Law (Juris Doctor, 1987); graduated from Southwestern's accelerated two-year "S.C.A.L.E." program; recipient American Jurisprudence Book Award, 1987.

**Member:** State Bar of California.

[rkf@KirtlandPackard.com](mailto:rkf@KirtlandPackard.com)

**Practice Areas**

- Aviation & Aerospace
- Business Litigation
- Class Actions & Complex Litigation
- Employment

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## MARK E. GOLDSMITH

Born Chicago, Illinois, January 25, 1960; admitted to bar, 1987, California, U.S. Court of Appeals, Ninth Circuit and U.S. District Court, Northern District of California; 1989, U.S. District Court, Central District of California; 1991, U.S. District Court, Southern and Eastern Districts of California.

**Education:** University of Wisconsin, Madison (B.A., 1982); Hastings College of the Law, University of California (J.D., 1985).

**Member:** State Bar of California; Los Angeles County Bar Association.

[meg@KirtlandPackard.com](mailto:meg@KirtlandPackard.com)

### Practice Areas

Construction

Employment

Professional Liability

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## MICHAEL L. KELLY

Mr. Kelly is a Senior Partner and the Managing Partner of Kirtland & Packard, LLP, with whom he has spent his entire twenty-six years of practice. Mr. Kelly is an accomplished trial attorney, who has successfully tried many difficult, high profile cases throughout the state and federal courts of California, as well as in other states throughout the United States.

In order to most effectively represent his diverse clientele, Mr. Kelly has assembled a team of talented attorneys whose varying specializations combine to provide a comprehensive client resource. They have litigated cases involving massive product recalls, various types of class actions, entertainment (motion pictures, television and music), copyright, toxic tort claims, unfair competition, trade secrets, and mass disasters and other complex litigation. His firm's high profile practice has resulted in over 179 published and non-published appellate opinions.

Mr. Kelly lives in Hermosa Beach with his wife, Lindsey, an entertainment attorney and executive, and daughter Morgan. He enjoys flying, motorcycle riding and restoring classic sports cars.

**Personal:** Born John Day, Oregon, September 21, 1953.

**Education:** Seattle University (B.A., 1975); University of Idaho (J.D., 1978). Member, Idaho Law Review, 1976-1977; Board of Editors, 1977-1978; Comments Editor, 1977-1978

### Admissions:

- Admitted to California Bar, 1978
- Admitted to California Supreme Court, 1978
- Admitted to Colorado Bar, 1987
- Admitted to U.S. Supreme Court, 1987
- Admitted to U.S. District Court, Northern District of California, 1981
- Admitted to U.S. District Court, Eastern District of California, 1980
- Admitted to U.S. Trust Territory of the Pacific Islands, 1987

### Memberships:

- Member, State Bar of California
- Member, State Bar of Colorado
- Member, American Bar Association
  - (Vice Chairperson, Committee on Aviation Litigation, 1990-1992; Member, Section of Tort and Insurance Practice; Member, Section of Science and Technology)
- Member, Los Angeles County Bar Association
- Member, South Bay Bar Association
- Member, Lawyer-Pilot's Bar Association

- Member, Association of Trial Lawyers of America
- Member, Consumer Attorneys of California
- Member, Los Angeles County Superior Court Settlement Programs
- Member, Association of Business Trial Lawyers

mlk@KirtlandPackard.com

**Practice Areas**

Aviation & Aerospace

Business Litigation

Class Actions & Complex Litigation

Entertainment

Product Liability

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## JAMES T. LA CHANCE

Born Huron, South Dakota, June 26, 1957; admitted to bar, 1982, California.

**Education:** California State University at Long Beach (B.A., 1979); California State University at Fullerton; Loyola Marymount University, Los Angeles (J.D., 1982). Pi Sigma Alpha.

**Member:** State Bar of California; American Bar Association.

**Language:** French.

[jtl@KirtlandPackard.com](mailto:jtl@KirtlandPackard.com)

### Practice Areas

Casualty & Healthcare  
Construction  
Entertainment  
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Product Liability  
Professional Liability

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## STEVEN M. MASLAUSKI

Born Cincinnati, Ohio, October 9, 1959; admitted to bar, 1985, California.

**Education:** Northwestern University (B.A., 1981); Pepperdine University (J.D., 1984). Phi Delta Phi.

**Member:** State Bar of California; American Bar Association (Member, Section on Litigation); Association of Southern California Defense Counsel; Defense Research Institute.

[smm@KirtlandPackard.com](mailto:smm@KirtlandPackard.com)

### Practice Areas

Business Litigation  
Casualty & Healthcare  
Construction  
Employment  
Product Liability  
Professional Liability

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## ROBERT A. MUHLBACH

Born Los Angeles, California, April 13, 1946; admitted to bar, 1976, California.

**Education:** University of California, Berkeley (B.S., Mechanical Engineering, 1967); California State University, Long Beach (M.S., Mechanical Engineering, 1969); University of Southern California (M.P.A., 1978); Hastings College of Law, University of California (J.D., 1976). Member, Hastings Constitutional Law Quarterly, 1975-1976. Public Defender, Los Angeles County, 1977-1979.

**Member:** State Bar of California; American Bar Association; International Association of Defense Counsel; American Board of Trial Advocates; American Institute of Aeronautics and Astronautics; Lawyer-Pilots Bar Association; Association of Southern California Defense Counsel. [Capt., Pilot, USAF, 1969-1973.]

ram@KirtlandPackard.com

### Practice Areas

Architect & Engineer  
Aviation & Aerospace  
Class Actions & Complex Litigation  
Construction  
Environmental  
Insurance  
Product Liability  
Professional Liability

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## GOLNAZ PAK, LAW CLERK

Tehran, Iran, November 29, 1980

**Education:** University of California, Los Angeles (B.A. summa cum laude, 2001); Abraham Lincoln School of Law (Candidate for J.D. in 2006)

**Member:** Golden Key National Honor Society

[gp@KirtlandPackard.com](mailto:gp@KirtlandPackard.com)

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## SCOTT M. SCHUTZ

Mr. Schutz is a Senior Partner at Kirtland & Packard, LLP. He is an experienced trial lawyer who has distinguished himself in a broad range of civil litigation matters. Mr. Schutz counsels clients in all aspects of their liability, including anticipation, planning, contingencies and avoidance strategies. He has tried numerous matters to verdict before juries in both state and federal courts. Mr. Schutz also has extensive experience with mediation, administrative matters and arbitrations.

Mr. Schutz takes pride in listening to his client's concerns, and then advocating their interests in a productive and effective manner. Mr. Schutz represents clients ranging from individuals to large corporations. Many are involved in complex matters exposing them to the potential for multi-million dollar verdicts.

**Personal:** Born, Aberdeen, South Dakota, July 24, 1959.

### Education:

University of South Dakota (1978 - 1980)

University of Utah (B.S., cum laude, 1982; J.D., 1985). Phi Kappa Phi.

Law Clerk to the Honorable David B. Dee, Utah District Court, 1983-1984.

### Admissions:

Admitted to State Bar of California, 1986

Admitted to California Supreme Court, 1986

Admitted to U.S. District Court, Central District of California

Admitted to U.S. District Court, Southern District of California

### Memberships:

Member, State Bar of California

Member, South Bay Bar Association

Member, American Bar Association

Environment, Energy and Resources section

- Environmental Litigation and Toxic Torts Committee

Litigation section

Administrative Law and Regulatory Practices

- Vice-Chair, Transportation Committee

Member, Eighth Street Lawyers

Member, American Board of Trial Advocates (ABOTA)

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STEVEN M. MASLAUSKI

ROBERT A. MUHLBACH

GOLNAZ PAK, LC

SCOTT M. SCHUTZ

JACQUES E. SOIRET OC

KAVITA TEKCHANDANI

sms@KirtlandPackard.com



**Practice Areas**

Aviation & Aerospace Law

Product Liability

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## KAVITA TEKCHANDANI

**Personal:** Born, Luton, England, April 4, 1979

### Education:

University of California, Los Angeles (B.A., Political Science, 2001)  
University of California, Hastings (J.D., 2004)

### Admissions:

Admitted to State Bar of California, 2004

### Memberships:

Member, State Bar of California  
Member, South Asian Bar Association  
Member, Consumer Attorneys Association of Los Angeles

### Languages:

Hindi

kt@KirtlandPackard.com

### Practice Areas

Class Actions & Complex Litigation  
Employment  
Entertainment  
Insurance

AMY B. BENAKOTE, LC

HOLLY M. BRETT

JESSICA E. CARRANZA

ROBERT M. CHURELLA

ROBERT K. FRIEDL

MARK E. GOLDSMITH

MICHAEL L. KELLY

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ROBERT A. MUHLBACH

GOLNAZ PAK, LC

SCOTT M. SCHUTZ

JACQUES E. SOIRET, OC

KAVITA TEKCHANDANI

## JACQUES E. SOIRET, OF COUNSEL

Born Chicago, Illinois, September 19, 1942; admitted to bar, 1968, California and U.S. District Court, Central District of California; 1970, U.S. Court of Appeals, Ninth Circuit; 1973, U.S. Supreme Court; 1984, High Court for the United States Trust Territory for the Pacific Islands.

### Education

Loyola University of Los Angeles (B.A., 1964); University of Southern California (J.D., 1967). Phi Delta Phi.

### PUBLICATIONS / SPECIAL RESEARCH AREAS

#### Author

"Manufacturers Right to Limit Its Liability to an Airline or Other Contractual Equal," The Forum, Volume X, page 561, November 1974;

"Disaster Dollars," The Wall Street Journal, July 11, 1980;

"Civil Litigation Techniques," paper presented to CEB Symposium, Los Angeles, California, 1981;

"The Use of Experts in Aviation Accident Investigation and Litigation," paper presented to Southern Methodist University Air Law Symposium, Dallas, Texas, 1981;

"Effective Use of Expert Witnesses," paper presented to CEB Symposium, Los Angeles, California, 1982.

"The Trial of a Product Liability Case," Matthew Bender, 1982;

"Using Demonstrative Evidence in Civil Trials," paper presented to Practising Law Institute, San Francisco, California, 1982;

"Claims by Aircraft Owners and Operators Against Manufacturers" and "Recent Developments Under the Warsaw Convention" papers presented to International Aviation Air Law Symposium, Marco Island, Florida, 1983;

"Courtroom Conduct: Tactics and Ethics," paper presented to CEB Symposium, Santa Barbara, California, 1983;

"The Freedom of Information Act: A Viable Alternative to Federal Rules?" paper presented to American Bar Association, National Institute on Litigation in Aviation, Washington, D.C., 1985 (reprinted in the Trial Lawyer's Guide, Volume 29, No. 4).

"Jury Selection in Aviation Cases," paper presented to 20th Annual Southern Methodist University Air Law Symposium, Dallas, Texas, 1986;

"Civil Jury Selection," paper presented to Trial Practice Symposium, San Francisco, California, 1986;

"Defense Psychology - The Handling of A Product Liability Case ," paper presented to 7th Annual Southern Methodist University Air Law Symposium on Product Liability, Houston, Texas, 1986;

"Personal Injury Defense Techniques," Matthew Bender, 1987 (with Mark A. Dombroff);

"Winning before the Race Starts," Paper and Presentation to CEB Trial Practice Institute, San Francisco, California, 1988;

"Courtroom Conduct: Strategy, Tactics and Common Sense," Paper and Presentation to CEB Symposium, Palm Springs, California, 1991;

"Effective Jury Voir Dire," Paper and Presentation to CEB Symposium, Los Angeles, California, 1991;

"Trial Tactics for the Defense," Presentation given to American Bar Association National Institute on Aviation Litigation, Washington, D.C., 1991;

"The Uncertainties of Aviation Litigation: or What Are Those Lawyers Doing With Our Money?" Presentation given to Asia-Pacific Insurance Conference, Bangkok, Thailand, 1991;

"Update on Choice of Forum: Have U.S. Courts Closed the Gates?" Paper and Presentation to Embry-Riddle Aeronautical University Fifth Annual Aviation Law Symposium, Sarasota, Florida, 1992;

"Foreign Defendants in U.S. Courts: Issues of Jurisdiction, Venue, Service of Process and Discovery," Paper and Presentation to American Bar Association Aviation and Space Law Symposium, San Francisco, California, 1992;

"The Problems Faced by Foreign Aviation Manufacturers in Defending Product Liability Claims in the United States" and "Punitive Damages--Dinosaur or Lingering Threat?" Presentation given to Seventh International Aviation Seminar, Mauna Lana, Hawaii, 1993;

"The Crash of Flight 052: The Trial That Never Was" Moderator for Presentation of Trial Program to American Bar Association 1994 Annual Meeting, New Orleans, Louisiana;

"How Master Trial Attorneys, Barristers, Advocates, and Scottish Solicitors Try Cases," Presentation to American Bar Association London Trial Advocacy Program, London, England, 1995;

"The New Era of Product Liability Law--a Step Forward or a Step Backward? General Aviation Revitalization Act, Pending Federal Product Liability Legislation, Proposed Restatement (Third) of Torts, and Problems Associated With Cross-Border Discovery," Paper and Presentation to Eighth International Aviation Law and Insurance Seminar, London, England, 1995;

"Effective Jury Voir Dire by Defense Counsel in a Product Liability Case," Paper and Presentation

to American Bar Association Aviation and Space Law Program, Orlando, Florida, 1996;

"Air Crash: The Ethical, Moral and Media Issues Created by Mass Torts," Presentation to Aviation and Space Law Committee at the American Bar Association Annual Meeting, San Francisco, California, 1997;

"Strategic and Tactical Considerations for Successfully Defending Aviation Product Liability Cases", "Foreign Courts & Foreign Claims - Disaster Litigation," Presentation to American Bar Association 1998 Annual Meeting, Toronto, Canada;

"The Warsaw Convention: Dead or Alive?" Presentation to American Bar Association Annual Aviation Conference, Washington, D.C., October, 1998;

"The Legal & Practical Considerations and Solutions Involved in Defending Mass Disaster Air Crash Cases," Paper and Presentation to American Bar Association Annual Aviation Conference, Washington, D.C., October, 1999;

"American Legal Developments in Product Liability, Air Carrier Liability and Punitive Damages," Presentation to International Air Law and Insurance Forum, London, England, December, 1999;

"New Montreal, New DOHSA - A New Age for Claims," Paper and Presentation to Beaumont Garnault 5th International Aviation Conference, London, England, July, 2000;

"Aviation Issues in the New Millennium" Presentation to American Bar Association Annual Aviation Conference, Washington, D.C., October, 2000;

"Special Problems Faced by Non - U.S. Manufacturers in Mass Aviation Disasters" Presentation to Embry-Riddle Aeronautical University Fourteenth Annual Aviation Law Symposium, Daytona Beach, Florida, January, 2001;

Moderator, "Mediation: A Real Alternative to Litigation of Claims Arising from Terrorist Attacks," Presentation to American Bar Association Annual Aviation Conference, Washington, D.C., October, 2001.

#### **Participant**

ABC Television Program, "The Danger in Counterfeit Aircraft Parts," 1985;

NBC "Today Show" Television Program, "Aircraft Parts - How Safe?" 1987;

Federal Republic of Germany Public Television Program - "The Lockheed F-104 Accident Story," 1998.

#### **Instructor**

University of Southern California Aerospace Institute, 1971-1986.

#### **Lecturer**

Panels in Civil Litigation, Continuing Education of the Bar, Southern California, 1986-1997;

Southern Methodist University Products Liability Institute, Dallas, Texas, 1982.

jockodoc@aol.com

**Practice Areas**

Aviation & Aerospace

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## PUBLISHED AND UNPUBLISHED OPINIONS OF THE FIRM

- 2004 *Dottie Goldstein et al v. Ralphs Grocery Company* 2004 122 Cal.App.4th 229.
- 2003 *In Re Air Crash at Belle Harbor, NY on November 12, 2001* 2003 WL 21032034 2003 (MDL 1448 (RWS))
- 2002 *Allen v. Sully-Miller Contracting Co.*, 28 Cal 4th 222 (2002)
- 2002 *Pedus Building Services, Inc. v. Allen*, 96 Cal. App. 4th 152 (2002)
- 1999 *APRI Ins. Co. v. Superior Court*, 76 Cal. App. 4th 176 (1999)
- 1999 *Brockrath v. Aldrich Chemical Co., Inc.*, 21 Cal. 4th 71 (1999)
- 1998 *Balthazor v. Little League Baseball, Inc.*, 62 Cal. App. 4th 47 (1998)
- 1998 *Chung v. Tarom, S.A.*, 990 F. Supp. 581 (N.D. Ill. 1998)
- 1996 *Magnin v. Teledyne Continental Motors*, 91 F. 3d 1424 (11th Cir. 1996)
- 1996 *Tomko Woll Group Architects, Inc. v. Superior Court*, 46 Cal. App. 4th 1326 (1996)
- 1996 *Armstrong World Industrices, Inc. v. Aetna Casualty & Surety Co.*, 45 Cal. App. 4th 1 (1996)
- 1996 *Tate v. Boeing Helicopters*, 921 F. Supp. 1562 (W.D. Ky. 1996) 55 F. 3d 1150 (6th Cir. Ky. 1995)
- 1995 *Pruyn v. Agricultural Ins. Co.*, 36 Cal. App. 4th 500 (1995)
- 1995 *Mero v. Sadoff*, 31 Cal. App. 4th 1466 (1995)
- 1994 *Viner v. Brockway*, 36 Cal. Rptr. 2d 718 (1994)
- 1994 *Kerins v. Hartley*, 27 Cal. App. 4th 1062 (1994)
- 1994 *Linton v. Airbus Industrie*, 30 F. 3d 592 (5th Cir. Tex. 1994)
- 1994 *Kern v. Jeppeson Sanderson, Inc.*, 867 F. Supp. 525 (S.D. Tex. 1994)
- 1993 *Armstrong World Industries, Inc. v. Aetna Casualty & Surety Co.*, 26 Cal. Rptr. 2d 35 (1993)
- 1992 *Whittaker Corp. v. Allianz Underwriters, Inc.*, 11 Cal. App. 4th 1236 (1992)
- 1992 *Contreras v. Goldrich*, 10 Cal. App. 4th 1431 (1992)
- 1992 *Linton v. Airbus Industrie*, 794 F. Supp. 650 (S.D. Tex. 1992)
- 1991 *Williamson v. Teledyne Continental Motors Aircraft Products Div.*, 1991 WL 249787 (E.D. Pa. 1991), 1990 WL 99756 (E.D. Pa. 1990)
- 1991 *Adams v. Murakami*, 54 Cal. 3d 105 (1991), 228 Cal. App. 3d 885 (1990)
- 1991 *Woods v. Young*, 53 Cal. 3d 315 (1991), 246 Cal. Rptr. 768 (1988)
- 1989 *Harris v. Tashma*, 258 Cal. Rptr. 20 (1989)
- 1989 *Marlene F. v. Affiliated Psychiatric Medical Clinic, Inc.*, 48 Cal. 3d 583 (1989)
- 1989 *Brownfield v. Daniel Freeman Marina Hospital*, 208 Cal. App. 3d 405 (1989)
- 1988 *Knighten v. Sam's Parking Valet*, 206 Cal. App. 3d 69 (1988)
- 1988 *Getty v. Getty*, 205 Cal. App. 3d 134 (1988)
- 1988 *In Re San Juan Dupont Plaza Hotel Fire Litigation*, 687 F. Supp. 716 (D. Puerto Rico 1988)

(MDL 1448(RWS))

- 1988 *Stanton v. Continental Gas. Co.*, 243 Cal.Rptr. 147 (1988)
- 1987 *U.S. v. Stringfellow*, 661 F. Supp. 1053 (1987)
- 1987 *Grimm v. Thayer*, 188 Cal. App. 3d 866 (1987)
- 1986 *Graham v. Teledyne-Continental Motors, a Div. of Teledyne Industries, Inc.* 805 F. 2d 1386 (9th Cir. Cal. 1986)
- 1986 *Green v. Travelers Indemnity Co.*, 185 Cal. App. 3d 544 (1986)
- 1986 *Swett v. Schenk*, 792 F. 2d 1447 (9th Cir. Cal. 1986)
- 1986 *Brimmer v. California Charter Medical, Inc.*, 180 Cal. App. 3d 678 (1986)
- 1986 *Covenant Mutual Ins. Co. v. Young*, 179 Cal. App. 3d 318 (1986)
- 1986 *Budavari v. Barry*, 176 Cal. App. 3d 849 (1986)
- 1985 *Jaffe v. Cranford Ins. Co.*, 168 Cal. App. 3d 930 (1985)
- 1985 *Iverson v. Superior Court*, 167 Cal. App. 3d 544 (1985)
- 1984 *Gradus v. Hanson Aviation, Inc.*, 158 Cal. App. 3d 1038 (1984)
- 1984 *County of Los Angeles v. Superior Court*, 155 Cal. App. 3d 798 (1984)
- 1983 *Hogen v. Valley Hospital*, 147 Cal. App. 3d 119 (1983)
- 1982 *Weber Aircraft Corp., a Div. of Walter Kidde and Co., Inc. v. U.S.*, 688 F. 2d 638 (9th Cir. Cal. 1982)
- 1982 *Garcia v. Douglas Aircraft Co.*, 133 Cal. App. 3d 890 (1982)
- 1982 *Aeronaves de Mexico, S.A. v. McDonnell Douglas Corp.*, 677 F. 2d 771 (9th Cir. Cal. 1982)
- 1982 *S.A. Empresa De Viacao Aerea Rio Grandense (Varig Airlines) v. Walter Kidde & Co., Inc.*, 690 F. 2d 1235 (9th Cir. Cal. 1982)
- 1980 *Stoddard v. Ling-Temco-Vought, Inc.*, 513 F. Supp. 314 (C.D. Cal. 1980)
- 1979 *Evans v. Hawker-Siddeley Aviation, Ltd.*, 482 F. Supp. 547 (S.D.N.Y. 1979)
- 1979 *Robinson v. Pediatric Affiliates Medical Group, Inc.*, 98 Cal. App. 3d 907 (1979)
- 1979 *Reyno v. Piper Aircraft Co.*, 479 F. Supp. 727 (M.D. Pa. 1979)
- 1979 *Baker v. Beech Aircraft Corp.*, 96 Cal. App. 3d 321 (1979)
- 1979 *Scandinavian Airlines System v. United Aircraft Corp.*, 601 F. 2d 425 (9th Cir. Cal. 1979)
- 1979 *Segura v. Brundage*, 91 Cal. App. 3d 19 (1979)
- 1978 *Insurance Co. of North America v. Sam Harris Constr. Co.*, 22 Cal. 3d 409 (1978)
- 1978 *Colby v. Schwartz*, 78 Cal. App. 3d 885 (1978)
- 1977 *Barton v. Owen*, 71 Cal. App. 3d 484 (1977)
- 1977 *Saxton v. McDonnell Douglas Aircraft Co.*, 428 F. Supp. 1047 (1977) (MDL 172)
- 1977 *Moncur v. City of Los Angeles*, 68 Cal. App. 3d 118 (1977)
- 1977 *In Re Paris Air Crash of March 3, 1974*, 427 F. Supp. 701 (C.D. Cal. 1977)
- 420 F. Supp. 880 (C.D. Cal. 1976), 423 F. Supp. 367 (C.D. Cal. 1976)
- 410 F. Supp. 326 (C.D. Cal. 1976), 69 F.R.D. 310 (C.D. Cal. 1975) 399 F. Supp. 732 (C.D. Cal. 1975), No. MDL 172
- 1977 *Flanagan v. McDonnell Douglas Corp.*, 428 F. Supp. 770 (C.D. Cal. 1977)
- 1976 *Slapin v. Los Angeles International Airport*, 65 Cal. App. 3d 484 (1976)
- 1976 *Scherer v. Mark*, 64 Cal. App. 3d 834 (1976)
- 1976 *Singelyn v. Superior Court*, 62 Cal. App. 3d 972 (1976)



1976 *Sanchez v. South Hoover Hospital*, 18 Cal. 3d 93 (1976)  
1976 *Beech Aircraft Corp. v. Superior Court*, 61 Cal. App. 3d 501 (1976)  
1976 *Smith v. Sikorsky Aircraft*, 420 F. Supp. 661 (1976)  
1976 *Taylor v. Union Pac. R. Corp.*, 16 Cal. 3d 893 (1976), 50 Cal. App. 3d 271 (1975)  
1976 *Rousseff v. Western Airlines, Inc.*, 409 F. Supp. 1262 (C.D. Cal. 1976)  
1976 *Kaiser Steel Corp. v. Westinghouse Elec. Corp.*, 55 Cal. App. 3d 737 (1976)  
1976 *Aas v. Avemco Ins. Co.*, 55 Cal. App. 3d 312 (1976)  
1976 *Scherer v. Mark*, 54 Cal. App. 3d 468 (1976)  
1976 *Sanchez v. South Hoover Hospital*, 54 Cal. App. 3d 270 (1976)  
1974 *Times Newspapers Ltd. (Of Great Britain) v. McDonnell Douglas Corp.*, 387 F. Supp. 189 (1974)  
1974 *City of Los Angeles v. Japan Air Lines Co., Ltd.*, 41 Cal. App. 3d 416 (1974)  
1974 *Baker v. Beech Aircraft Corp.*, 39 Cal. App. 3d 315 (1974)  
1974 *Cairl v. Boeing Co.*, 39 Cal. App. 3d 137 (1974)  
1974 *Mitchell v. National Auto. & Casualty Ins. Co.*, 38 Cal. App. 3d 599 (1974)  
1974 *Pease v. Beech Aircraft Corp.*, 38 Cal. App. 3d 450 (1974)  
1974 *McCullum v. United Intern. Corp.*, 493 F. 2d 501 (1974)  
1974 *Klingebiel v. Lockheed Aircraft Corp.*, 494 F. 2d 345 (9th Cir. Cal. 1974)  
1973 *Arney v. U.S.*, 479 F. 2d 653 (9th Cir. Cal. 1973)  
1973 *Wint v. Fidelity & Casualty Co.*, 9 Cal. 3d 257 (1973)  
1972 *Cobbs v. Grant*, 8 Cal. 3d 229 (1972)  
1972 *Harbor Ins. co. v. Employers' Surplus Lines Ins. Co.*, 26 Cal. App. 3d 559 (1972)  
1972 *Lockheed Air Terminal, Inc. v. City of Burbank*, 457 F. 2d 667 (9th Cir. Cal. 1972)  
1971 *Klingebiel v. Lockheed Aircraft Corp.*, 372 F. Supp. 1086 (N.D. Cal. 1971)  
1971 *Cal-Medicon v. Los Angeles County Medical Assn.*, 20 Cal. App. 3d 148 (1971)  
1971 *Citizens Cas. Co. v. Otis Clark & Co.*, 19 Cal. App. 3d 294 (1971)  
1971 *McGlenon v. Boeing Co.*, 437 F. 2d 433 (9th Cir. Cal. 1971)  
1970 *Marincovich v. Oriana, Inc.*, 13 Cal. App. 3d 146 (1970)  
1970 *Hiemstra v. Huston*, 12 Cal. App. 3d 104 (1970)  
1970 *Lockheed Air Terminal, Inc. v. City of Burbank*, 318 F. Supp. 914 (C.D. Cal. 1970)  
1970 *Liberty Mut. Ins. Co. v. Harris, Kerr, Forster & Co.*, 10 Cal. App. 3d 1100 (1970)  
1970 *City of Newport Beach v. Sasse*, 9 Cal. App. 3d 803 (1970)  
1970 *Egly v. Superior Court*, 6 Cal. App. 3d 476 (1970)  
1969 *Knox-Seeman Motor Parts, Inc. v. American Ins. Co.*, 2 Cal. App. 3d 173 (1969)  
1969 *Berkey v. Anderson*, 1 Cal. App. 3d 790 (1969)  
1969 *Cullum v. Seifer*, 1 Cal. App. 3d 20 (1969)  
1969 *Rodde v. Trousdale Const. Co.*, 276 Cal. App. 2d 419 (1969)  
1969 *Western Salt Co. v. City of Newport Beach*, 271 Cal. App. 2d 397 (1969)  
1968 *Employers' Surplus Lines Ins. Co. v. Fireman's Fund Ins. Co.*, 266 Cal. App. 2d 183 (1968)  
1968 *Geddes v. Tri-State Ins. Co.*, 264 Cal. App. 2d 181 (1968)  
1968 *Patton v. Royal Industries, Inc.*, 263 Cal. App. 2d 760 (1968)  
1968 *Dorobek v. Ride-A-White Stables*, 262 Cal. App. 2d 554 (1968)  
1968 *Cunningham v. Burbank Bd. of Realtors*, 262 Cal. App. 2d 211 (1968)

1968 *City of Los Angeles v. Standard Oil Co. of Cal.*, 262 Cal. App. 2d 118 (1968)  
1968 *Storey v. Garrett Corp.*, 43 F.R.D. 301 (C.D. Cal. 1968)  
1967 *Mixon v. Riverview Hospital*, 254 Cal. App. 2d 364 (1967)  
1967 *Marcus v. Palm Harbor Hospital, Inc.*, 253 Cal. App. 2d 1008 (1967)  
1967 *Kemmerer Engineering Co. v. Continental Cas. Co.*, 253 Cal. App. 2d 188 (1967)  
1967 *O'Reilly v. Board of Medical Examiners*, 66 Cal. 2d 381 (1967), 55 Cal. Rptr. 152 (1966)  
1967 *Bledsoe v. Informative Research*, 257 Cal. App. 2d 684 (1967)  
1966 *Schwartz v. Thiele*, 242 Cal. App. 2d 799 (1966)  
1966 *Skyways Aircraft Ferrying Service, Inc. v. Stanton*, 242 Cal. App. 2d 272 (1966)  
1966 *Dunlap v. Marine*, 242 Cal. App. 2d 162 (1966)  
1966 *Erickson v. Sears, Roebuck & Co.*, 240 Cal. App. 2d 793 (1966)  
1965 *Mission Ins. Co. v. Brown*, 63 Cal. 2d 508 (1965)  
1965 *Olsen v. Lockheed Aircraft Corp.*, 237 Cal. App. 2d 737 (1965)  
1965 *Warren v. Flying Tiger Line, Inc.*, 352 F. 2d 494 (9th Cir. Cal. 1965), 234 F. Supp. 223 (S.D. Cal. 1964)  
1965 *Mission Ins. Co. v. Brown*, 43 Cal. Rptr. 518 (1965)  
1964 *Washington v. Blampin*, 226 Cal. App. 2d 604 (1964)  
1963 *Civil Service Emp. Ins. Co. v. Wilson*, 222 Cal. App. 2d 519 (1963)  
1963 *McMahon v. Maddox*, 221 Cal. App. 2d 119 (1963)  
1963 *Carrasco v. Bankoff*, 220 Cal. App. 2d 230 (1963)  
1963 *Security-First Nat. Bank of Los Angeles v. Lutz*, 322 F. 2d 348 (9th Cir. Cal. 1963)  
1963 *Myers v. Carter*, 215 Cal. App. 2d 238 (1963)  
1963 *Dreybus v. Bayless Rents*, 213 Cal. App. 2d 506 (1963)  
1962 *Wilson v. Lockheed Aircraft Corp.*, 210 Cal. App. 2d 451 (1962)  
1962 *San Pedro Properties, Inc. v. Sayre & Toso, Inc.*, 203 Cal. App. 2d 750 (1962)  
1962 *Farnsworth v. Cote*, 199 Cal. App. 2d 762 (1962)  
1961 *Cox v. Shepherd*, 199 F. Supp. 140 (S.D. Cal. 1961)  
1961 *Security-First Nat. Bank of Los Angeles v. Lutz*, 297 F. 2d 159 (9th Cir. Cal. 1961)  
1961 *Di Muro v. Matserson Trusafe Steel Scaffold Co.*, 193 Cal. App. 2d 784 (1961)  
1961 *Maben v. Rankin*, 55 Cal. 2d 139 (1961), 4 Cal. Rptr. 731 (1960)  
1960 *Pacific Greyhound Lines v. Buerner*, 187 Cal. App. 2d 190 (1960)  
1960 *Continental Mfg. Corp. v. Underwriters at Lloyds London*, 185 Cal. App. 2d 545 (1960)  
1960 *Campbell v. Magana*, 184 Cal. App. 2d 751 (1960)  
1960 *Arvin-Kern Co. v. B.J. Service, Inc.*, 178 Cal. App. 2d 783 (1960)  
1960 *Rexall Drug Co. v. Nihill*, 276 F. 2d 637 (1960)  
1960 *Vinnell Co. v. Pacific Elec. Ry. Co.*, 52 Cal. 2d 411 (1959), 334 P. 2d 139 (1959)  
1959 *Davis v. Goodrich*, 171 Cal. App. 2d 92 (1959)  
1959 *McDonald v. Foster Memorial Hospital*, 170 Cal. App. 2d 85 (1959)  
1958 *Lewis v. Franklin*, 161 Cal. App. 2d 177 (1958)  
1957 *Mayers v. Litow*, 154 Cal. App. 2d 413 (1957)  
1957 *Calvin v. Thayer*, 150 Cal. App. 2d 610 (1957)  
1956 *Landsberg v. Kolodny*, 145 Cal. App. 2d 158 (1956)  
1956 *Alwood v. City of Los Angeles*, 139 Cal. App. 2d 49 (1956)

1956 *Agnew v. City of Compton*, 239 F. 2d 226 (9th Cir. Cal. 1956)  
1956 *Spencer v. Beatty Safway Scaffold Co.*, 141 Cal. App. 2d 875 (1956)  
1956 *Smith v. National Broadcasting Co.*, 138 Cal. App. 2d 807 (1956)  
1955 *Potter v. Richards*, 132 Cal. App. 2d 380 (1955)  
1955 *Seneris v. Haas*, 45 Cal. 2d 811 (1955)  
1955 *Dragna v. White*, 45 Cal. 2d 469 (1955)  
1955 *Anderson v. No-Doz*, 134 Cal. App. 2d 11 (1955)  
1955 *Miller v. Glass*, 44 Cal. 2d 359 (1955), 274 P. 2d 669 (Cal. App. 4 Dist. 1954)  
1955 *Potter v. Richards*, 132 Cal. App. 2d 380 (1955)  
1955 *Seneris v. Haas*, 281 P. 2d 278 (1955)  
1955 *Dragna v. White*, 280 P. 2d 817 (Cal. App. 2 Dist. 1955)  
1953 *Bates v. Newman*, 121 Cal. App. 2d 800 (1953)  
1953 *Curland v. Los Angeles County Fair Ass'n*, 118 Cal. App. 2d 691 (1953)  
1953 *Farber v. Olkon*, 40 Cal. 2d 503 (1953), 246 P. 2d 710 (Cal. App. 2 Dist. 1952)  
1951 *Champion v. Bennetts*, 37 Cal. 2d 815 (1951), 231 P. 2d 108 (Cal. App. 2 Dist. 1951)  
1951 *Huffman v. Lindquist*, 37 Cal. 2d 465 (1951)  
1951 *Romero v. Eustace*, 101 Cal. App. 2d 253 (1951)  
1950 *Kritzer v. Citron*, 101 Cal. App. 2d 33 (1950)  
1950 *Kleinberg v. Underwriters at Lloyd's London*, 98 Cal. App. 2d 119 (1950)  
1950 *Larsson v. Cedars of Lebanon Hospital*, 97 Cal. App. 2d 704 (1950)  
1950 *McMillen v. Douglas Aircraft Co.*, 90 F. Supp. 670 (S.D. Cal. 1950)  
1950 *City of Beverly Hills v. Brady*, 34 Cal. 2d 854 (1950), 205 P. 2d 1088 (Cal. App. 2 Dist. 1949)  
1950 *Sales Affiliates v. Superior Court in and for Los Angeles County*, 96 Cal. App. 2d 134 (1950)  
1949 *Moore v. Belt*, 34 Cal. 2d 525 (1949)  
1948 *Whitfield v. Jessup*, 31 Cal. 2d 826 (1948), 183 P. 2d 133 (Cal. App. 2 Dist. 1947)  
1947 *McCurdy v. Hatfield*, 30 Cal. 2d 492 (1947), 173 P. 2d 670 (Cal. App. 2 Dist. 1946)  
1947 *Church v. Bloch*, 80 Cal. App. 2d 542 (1947)  
1946 *Rafter v. Dubrock's Riding Academy*, 75 Cal. App. 2d 621 (1946)

**EXHIBIT B**

**John Maletta v. Sony BMG Music Entertainment Corp., et. al.**

(Summary of time spent on the litigation- November 5, 2005- March 20, 2006)

NAME	POSITION	RATE	HOURS	TOTAL
Michael L. Kelly	Senior Partner	\$625	30.60	\$19,125
Scott M. Schutz	Senior Partner	\$525	45.40	\$23,835
Robert M. Churella	Partner	\$525	31.70	\$16,642.50
Amy B. Benakote	Law Clerk	\$185	48.60	\$8,991

**TOTAL FEES: \$68,593.50**

**EXHIBIT C**

01:29 PM Mar 21, 2006

Kirtland & Packard, LLP  
 Draft for Work-in-Process Through 03-20-06  
 Matter ID: 2124-00001

## COSTS AND EXPENSES

DATE	DESCRIPTION	TASK CODE	HOLD	AMOUNT
11-28-05	Filing Fee; Filing Complaint; Clerk, LASC			299.50
11-29-05	Photocopy			0.50
12-01-05	Photocopy			0.75
12-07-05	Miscellaneous; 11/10 copy of Sony BMG CD; Robert M. Churella			12.98
12-08-05	Photocopy			14.25
12-08-05	Photocopy			1.50
12-12-05	Photocopy			0.75
12-12-05	Photocopy			33.75
12-12-05	Facsimile			1.50
12-12-05	Facsimile			1.50
12-12-05	Facsimile			1.50
12-12-05	Facsimile			1.50
12-12-05	Facsimile			1.50

01:29 PM Mar 21, 2006

Kirtland & Packard, LLP  
 Draft for Work-in-Process Through 03-20-06  
 Matter ID: 2124-00001

DATE	DESCRIPTION	TASK CODE	HOLD	AMOUNT
12-12-05	Facsimile			1.50
12-12-05	Facsimile			1.50
12-12-05	Facsimile			1.50
12-13-05	Long Distance Telephone			0.27
12-13-05	Long Distance Telephone			1.62
12-13-05	Long Distance Telephone			0.27
12-14-05	Filing Fee; Complex Fees; Clerk, LASC			550.00
12-14-05	Photocopy			7.50
12-14-05	Photocopy			4.00
12-14-05	Photocopy			5.50
12-14-05	Photocopy			2.00
12-14-05	Long Distance Telephone			0.27
12-14-05	Long Distance Telephone			0.54
12-14-05	Long Distance Telephone			0.27
12-14-05	Long Distance Telephone			0.54
12-14-05	Long Distance Telephone			0.27
12-15-05	Photocopy			0.75
12-15-05	Photocopy			0.50
12-15-05	Photocopy			2.25
12-15-05	Facsimile			1.00
12-15-05	Facsimile			1.00
12-15-05	Facsimile			1.00
12-15-05	Facsimile			1.00
12-15-05	Facsimile			1.00
12-15-05	Long Distance Telephone			0.27
12-15-05	Long Distance Telephone			0.27
12-15-05	Long Distance Telephone			0.54
12-15-05	Long Distance Telephone			0.27
12-15-05	Long Distance Telephone			0.54
12-16-05	Facsimile			1.00
12-19-05	Attorney Service; 11/28 Los Angeles County Superior Court; Corporate Legal Services			93.49
12-19-05	Attorney Service; 11/28 Los Angeles County Superior Court to Corporate Legal; Corporate Legal Services			17.25
01-05-06	Attorney Service; 12/14 LASC-Central Civil West; Corporate Legal Services			70.49



01:29 PM Mar 21, 2006

Kirtland & Packard, LLP  
 Draft for Work-in-Process Through 03-20-06  
 Matter ID: 2124-00001

DATE	DESCRIPTION	TASK CODE	HOLD	AMOUNT
01-05-06	Attorney Service; 12/08 Bertelsmann Music Group; Corporate Legal Services			225.00
01-12-06	Photocopy			9.00
01-19-06	Attorney Service; Los Angeles County Superior Court - CCW; Superior Litigation Attorney & Messenger Services.			45.00
01-20-06	Photocopy			15.25
01-23-06	Photocopy			5.00
01-30-06	Photocopy			5.50
02-02-06	Photocopy			1.50
02-03-06	Attorney Service; 11/28 Sony Corp of America; Corporate Legal Services			150.00
02-03-06	Attorney Service; 12/14 Sony Corp of America; Corporate Legal Services			225.00
02-03-06	Photocopy			3.00
02-06-06	Photocopy			0.50
02-07-06	Postage			0.39
02-07-06	Photocopy			1.50
02-07-06	Facsimile			1.50
02-13-06	Photocopy			0.50
02-22-06	Photocopy			8.00
02-27-06	Photocopy			3.50
02-28-06	Attorney Service; 11/28 Sony BMG Music Ent. Corp.; Corporate Legal Services			200.00
02-28-06	Attorney Service; 12/14 Sony BMG Music Ent. Corp.; Corporate Legal Services			225.00
02-28-06	Attorney Service; 11/28 Bertelsmann, Inc; Corporate Legal Services			75.00
02-28-06	Attorney Service; 12/14 Bertelsmann, Inc; Corporate Legal Services			75.00
03-06-06	Photocopy			3.50